

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KARIN FUSSY, ) Case No.: 1:21-cv-01307-DAD-JLT  
 )  
Plaintiff, ) ORDER DENYING PLAINTIFF’S MOTION FOR  
 ) PERMISSION FOR ELECTRONIC CASE FILING  
v. ) (Doc. 9)  
 )  
RTI SURGICAL, ) ORDER DENYING AS UNRIPE PLAINTIFF’S  
 ) MOTION TO SET ASIDE THE DISMISSAL OF  
Defendant. ) THE COMPLAINT  
 ) (Doc. 10)

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The plaintiff seeks the Court’s permission to file documents electronically through the electronic case filing system. (Doc. 9) She indicates that she is disabled and cannot walk distances and that she lives “2 hours from the physical court.” Id. However, the plaintiff may mail her filings to the Court; there is no requirement that she physically appear there to file documents.

According to Local Rule 133(a), a pro se party shall file and serve paper documents as required by the Rules. A party appearing pro se may request an exception to the paper filing requirement from the court by filing a stipulation of the parties or by motion. Local Rule 133(b)(2), (3).

Upon review of the pleadings in this action and the instant motion, the Court finds that this action does not warrant an exception to the Local Rules. See Reddy v. Precyse Solutions LLC, 2013 U.S. Dist. LEXIS 82193, at \*7-9 (E.D. Cal. June 11, 2013). Accordingly, plaintiff’s motion for permission for electronic case filing is DENIED.

The plaintiff also moves the Court to set aside the dismissal of the action. (Doc. 10). However,

1 the Court has not yet ruled on the defendant's motion to dismiss (Doc. 4). Thus, the plaintiff's motion  
2 to set aside the dismissal is DENIED as UNRIPE.<sup>1</sup>

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4 IT IS SO ORDERED.

5 Dated: October 12, 2021

/s/ Jennifer L. Thurston  
CHIEF UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> Because the Court has not yet ruled on the motion to dismiss, the plaintiff is urged to file her  
28 opposition to the motion along with her request that her late-filed opposition be considered by the  
Court. The Court now does not assure the request will resolve in her favor, but if she wishes to be  
heard as to the motion to dismiss, this is her only available option at this time.